1949.

File No. M. Practitioners II (R) 49

Legal Deptt

B **BRANCH**

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Subject:— Rules under the Bombay Medical Practitioner Act 1938

E
P-20

File No. Medical Practioners II/49(R)

Gen. 104

Le al Department.

A revised draft notification is sent herewith.

Sd/ J.R.D.

Additional Secretary to Government.

U.O. to H.&L.S.D. No.404 dated the 13th January '49.

E.K. N. 2/6/56

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NOTIFICATION.

Health and Local Government Department,
Bombay Castle, January 1949.

Bombay Medical Practitioners Act,1938.

No. 2970/33- The following draft of a notification which it is proposed to issue in exercise of the powers conferred by section 29 of the Bombay Medical Practitioners Act, 1938, (Bom.XXVI of 1938), is published as required by sub-section(1) of the said section 29 for the information of all person likely to be affected thereby, and notice is hereby given that the said draft will be taken into consideration by the Government of Bombay on or after the 1949-

2. Any objections or suggestions which may be received by the Secretary to the Government of Bombay in the Health and Local Government Department from any person with respect to the said draft before the date aforesaid will be considered by Government.

NOTIFICATION
DRAFT ~~EDUCATION~~.

No.2970/33- In exercise of the powers conferred by section 29 of the Bombay Medical Practitioner's Act, 1938 (Bom.XXVI of 1938), the Government of Bombay is pleased to amend the Bombay Medical Practitioners' Rules 1939, as follows namely:-

In rule 61 of the said rules, for the words and figures "shall be Rs.125-5-200 per mensem" the words and figures "shall with effect from the 1st day of January 1947, be Rs.200-10.300 per mensem" shall be substituted.

By order of the Governor of Bombay,

Secretary to Government.

E.H.H. 2/6/56

Legal Department.

Under clause (i) of rule 59 of the Bombay Medical Practitioners' Rules, 1939, officials are entitled to travelling allowances as well as to halting allowances as prescribed therein. Under the proposed new clause(ii) non-official members are entitled only to travelling allowances according to the scale laid down therein. The concession of halting allowances which was admissible to non-official members under the superseded clause has been deliberately withdrawn from them. The existing N.B. below the said clause (ii) laying down the circumstances under which a halting allowance is admissible is no longer appropriate or necessary and may be deleted therefrom.

Sd/ J.R.D

Additional Secretary to Government.

U.R. to H.&.L.S.D.,No. 10813 dated the 4th November 1948.

B.M.N. 4/6/56

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Legal Department.

Regulation 8g under the heading Fourth Examination in the regulations prescribing courses of study for training and qualifying examinations in Ayurvedic System of medicine and regulation 5 in the similar regulations in respect of Unani System of medicine provide that a candidate who has passed and secured 50 percent or more marks in any subject will be exempted from reappearing for examination in the same subject. Since it is proposed that mere passing in all the subjects of a group shall entitle a candidate to get exemption from appearing in all such subjects of a group it would be more appropriate to add the proposed profision as a proviso to the said regulations. Accordingly two revised draft notifications in that behalf are sent herewith.

Sd/- J.R.D.

Additional Secretary to Government.'

U.R. to H.&L.S.D.No. 4109, dated the 18th April 1949.

E.M.M.4/6/58

4C.

Legal Department.

A revised draft Notification is sent herewith.

Sd/- J.R.D.

Additional Secretary to Government.

U.R. to R & L.G.D. 4783, dated the 2nd May 1949.

E.R.M.4/6/36

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Legal Department.

Revised draft rules are sent herewith subject to the following observations:-

I The Bombay Faculty of Indian Systems of Medicine Rules 1949.

Rule 2. The use of the world "Secretary" throughout the rules is not correct. The amendment made in section 15(1) provides that the Registrar has to perform the duties of the Secretary to both the bdies. The world 'Registrar' has therefore been substituted for the word 'Secretary'.

Rule 7. The date for the election of a member to the Faculty has to be appointed by the Provincial Government under section 3A(4), Proviso, added by the Amending Act. The said sub-rule has accordingly been amended. For the same reason sub-rules (8) & (9) of rule 7 have been kmkmn amended;

Rule 17(2) The world "President" used with reference to the 'Faculty' is not appropriate as section 3A added by the Amending Act provides that the President shall be the Ex-Officio Chairman of the Faculty. The world 'President' has therefore been substituted by the world "chair man" throughout the Rules;

Rule 8 The new member should rather be introduced by the Chairman who is a permanent member of the Faculty then by an existing member of the Faculty as proposed by the President of the Board;

Rule 33. This rule has been revised on the lines of section 35(1) of the Bombay District Municipal Act, 1901-

II Amendments to the Bombay Medical Practitioners' Rules 1939.

Rule 32 A - This rule has been revised on the lines of the wording of section 55 of the Bombay District Municipal Act, 1901;

Rule 44 Under section 14(1) of the Bombay Medical Practioners Act, 1939, the Board has been empowered to grant leave to Registrar and to appoint a person in his place. The Executive Committee which xxxxxxxxxxxxxxxxxxxxxx is a delegate of the Board cannot exercise the said power finally as there is no power under which the Board can delegate such power to the Executive Committee. The amendments proposed to rule 67 have been revised so as to be consistent with the provisions of section 14 of the Act and have been embodied in rule 44 which is the proper place for inserting the proposed amendment.

Rule 120 This rule provides that every application shall be accompanied with a declaration on oath before a competent authority stating the facts of his case. It is necessary to specify what is the facts of his case. It is necessary to specify what is the competent authority. Presumably the Mamlatdar of the place where the applicant was practicing on the 4th November 1941 is intended. This rule and next rule have accordingly been amended.

Chapters XV and XVI have been revised to carry out the intentions clearly.

Sd/ J.R.D.

Additional Secretary to Government..

J.R. to H.&B.D.D. 7010, dated the 24th June 1949.

B.K.H.4/6/56

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APPENDIX - A.

(Rule 7(7)

B A L L O T

(See Rule 7 (7))
Voting Paper.

Members are to be elected to the Faculty of Indian Systems of Medicine by the persons entered in the electoral roll.

Serial No.	Names of candidates duly nominated.	vote.

Secretary.

INSTRUCTIONS.

(1) Each elector has votes.
(2) He shall vote by placing the mark X oppoiste the names of the candidates whom he prefers.

(3) The voting papers shall be invalid if the mark X is placed opposite the names of more than candidates, or if the marks are so placed as to renderes to doubtful to which candidates they are intended to apply.

(4) The elector shall enclose the voting paer duly filledin, in the smaller cover and enclose that cover in the bgger cover a pplied by the Returning Officer and shall write his full name, (which may be typewritten) and signature in the left hand corner of the bigger envelope in theprinted columns therefore. If the ank elector fails so to write his full name and signautre, the voting paper shall be invalid.

(5) Every elector shall send his voting paper in a separate cover direct to the Returning Officer, whose address is given below.

(6) If the returning officer receives more than one voting paper from the same elector, all such voting papers shall be treated as invalid.

(7) If more than one mark is placed before the name of any candidate the whole voting paper shall be treated as invalid.

(8) Addressing of Returning Officer - Th s should be filled by the Returning Officer before the voting paper is sent.

By order of the Governor of Bombay.

C.G.Desai,
Deputy Secretary to Government.

E.M.H. 4/6/56

4C-

NOTIFICATION.
Health and Local Government Department,
Bombay Castle, June 1949.

Bombay Medical Practitioners' Act, 1938.

No.6038/33 - The following draft of a notification which it is proposed to issue in exercise of the powers conferred by section 29 of the Bombay Medical Practitioners' Act, 1938 (Bom.XXVI of 1938), is published as required by sub-section (1) of the said section 29 for the information of all persons likely to be effected thereby and notice is hereby given that the said draft will be taken into consideration by the Government of Bombay on or after, 1949.

2. Any objections or suggestions which may be received by the Secretary to the Government of Bombay, in the Health and Local Government Department, from any person with respect to the said draft before the date aforesaid will be considered by Government.

DRAFT NOTIFICATION.

In exercise of the powers conferred by section 29 of the Bombay Medical Practitioners' Act,1938 (Bom.XXVI of 1938), the Government of Bombay is pleased to amend the Bombay Medical Practitioners' Rules, 1939, as follows namely:-

In the said rules :-

1. In rule 13, the word "Provincial" shall be deleted.

2. In rule 14, the words "for the first day of" shall be deleted;.

3. After rule 32, the following new rule shall be inserted, namely:-

"32A. The President, whenever it appears to him unnecessary to convene a meeting, may instead of so doing, circulate a written proposition with the reasons for such proposition for the observations and votes of the members of the Board."

4. In rule 40, for the words "every month" the words "every three months" shall be substituted.

5. For rule 44 the following shall be xxxx substituted namely:-

"44. The Registrar shall be entitled xxx to leave according to the Bombay Civil Service Rules. In the case of the death of the Registrar or his incapacity from illness or his proceeding on leave for more than one month, a person may be appointed to perform temporarily the duties of the Registrar."

6. Rules 48,49,53,54,69 and 70 shall be deleted;

7. For rule 71, the following shall be substituted, namely :-

"71. The Registrar shall keep the Register and the list in accordance with the provisions of sections 15 and 18 and shall enter therein in the alphabetical order the names of all practitioners registered under the Act with all the relevant particulars reqired under the said sections."

8. In rule 78, for the word "Board" the word "faculty" shall be substituted;

9. In rule 78 -

(a) in sub-rule (1), after the word "declaration" the words and letter "in the form in Appendix F" shall be inserted.

(b) in sub-rule (2), after the world "undertaking" the words and letter "in the form in Appendix G" shall be inserted;

10. In rule 79 -

(a) After the word "declaration" the words and leter "in the form in Appendix" shall be inserted;

(b) after the words "by a certificate" the words and letter" in the form in Appendix I" shall be inserted.

11. In rule 80, for the words "as early as possible in each year" the words "once in every five years" shall be substituted;

12. For rule 81 the following shall be substituted namely:-

"81 There shall be shown in the printed list referred to in the last preceding rule,-

(1) the total number of registered practitioners ~~dxxx~~ registered in the Registexx;

(2) the number of registered practitioners added during each of the proceding five years;

(3) the number of registered practitioners whose names have been discontinued during the same period;

(4) the number of registered practitioners ~~xxxx

shall pay in advance a renewal fee of rupees five every three years for the continuance of his name in the Register or list, as the case may be, the first of such renewal fee being payable before the 31st December 1951, for the period of three years beginning with the 1st January 1952.

118. The entry of the name of a person in the Register of list under section 15 and section 18 respectively made after --------1949 shall remain valid for the Calendar year in which the name has been entered in theRegister or list as the case may be, and for two immediately succeeding calendar years and shall be renewable every three years onpayment in advance of fee Rs.5/-

Here enter the date notification.

119. If default is made in payment of a renewal fee, the name of the defaulter shall be removed from the Register or list, as the case may be. If the defaulter pays a fresh registration fee of R.5/- together with the renewal fee his name shall be entered in the Register or list, as the case may be.

XVI Applications under sub-section (2) of section 51 C.

120. Every application under sub-section (2) of section 51C shall be accompanied by a declaration on oather before an officer competend the administration o th under the Indian oaths Act 1873 stating the facts of the case.

121. The Registration Tribunal (hereinafter calle the Tribunal)shall then refere the application both to the Mamlatdar and Medical Officer of the area in which the applicant was practising on 4th Novembe 1941, for their remarks as to -

(1) whether the applicant is or is not a refugee or other person referred to in sub-section (1) of section 51C.

(2) Whether she was practising at the pla e mentione b[illegible] application on 4th Novem r 1941;

(2) whether he was regularly practising for the period mentioned by him in his application before 4th November 1941; and

(3) whether he was de-pendant on his practice for his livelihood.

122. The Tribunal may also require the applicant to state the reasons why no application was made on or before the 21st November 1941 or may call the applicant for an interview and call for any proof in verification of the statement made in the application any other information which the Tribunal thinks fit to obtain.

123. After making the above enquiry, the Tribu nal may direct the entry of the names in the Register or list in accordance with the following rules;-

(a) If the Tribunal is satisfied that the applicant has passed any of the examinations specified in the Schedule, to the Act and that she could not apply for entering him names in the register before the 21st Nov.1941 for sufficient and adequate reason it shall direct that his name shall be entered in the Register .

(B) If the Tribunal is satisfied that the applicant is not a refugee a other person referred to in su b-section (1) of section 310 and that he was practising on the 4th November 1941, and that he ~~xixxxxk~~ could not make an a plication for entering his name in the register list before the 4th November 1941 for sufficient and ~~xxxxxx~~ adequate reasons, ~~tis~~ it shall direct that his name may be entered in the list".

15. After A pendix E, the folliwing shall be added, namely.

"(here insert the Appendix after they are ready)"

By order of the Governor of Bombay.

D.K.N. 4/6/66-
46.

Secretary to Government.

Legal Department.

A revised draft in place of the draft proposed by the Board is sent herewith. It would not be proper to insert a new rule 8A as proposed by the Board as rules are being made for the first time. As the said provision is of transatory nature and at may be added at the end under new Chapter XIII. Three seaparate rules under this Chapter have been added.

Sd/ J.R.K.

Additional Secretary to Government.

U.R. to H. & L.G.D.No.8801 dated the 20th July' 49.

E.K.N. 4/6/56

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XIII. Transitory Provisions.

80. For the purposes of the first election of the faculty, the procedure prescribed in rules 6, 7 and 8, as far as may be, and the following rules, shall be followed.

81. The institutions recognised by the Board under the Act shall be deemed as recognised institutions.

82. The following teachers in recognised institutions shall be deemed to be recognised teachers:-

(i) paid and full time Professors and Lecturers

(ii) paid and part time or honorary Professors and Lecturers who have given instructions for not less than two periods in a week;

(iii) Demonstrators having qualifications of Lecturers, who have given instructions for not less than four periods in a week;

Provided that if any such Professor, Lecturer or Demonstrator is on leave on the date on which the electoral roll of such persons is made he shall not be deemed to be recognised teacher for the purposes of the rule.

APPENDIX . F.
(Rule 78(1).)

tatutory declaration accompanying the application for removal of name.

I, the undersigned (1) --------Now holding the qualification (2) and having the following permanent address viz. do solemnly declare as follows:-

(1) Insert full name

(2) Insert qualifications if any.

(i) In the year (3) my name was duly registered in respect of the following qualification namely (4)

(3) Insert Date.

(4) Insert original qualification.

(ii) I am not aware of any proceedings or of any reason for the institution of any proceedings which might result under the Act or rules thereunder in establishing some cause for the removal of my name from the Register or depriving me of any qualification of licence entitling me to be registered.

(iii) The grounds for the removal of name are (5)

(5) All grounds for the application should be clear and concisely stated.

(iv) It is my intention if my name is removed from the Register to (6).

(6) Insert particulars as to proposed future professional occupation.

Signed.

E.K.N.4/6/56

40.

APPENDIX Q.
(Rule 98 (2)).

Undertaking accompaning application, for removal of name.

" To the Board of Indian S ystems of Medicine, Bombay.

" I, the undersigned (1) (1) Insert full name.
having applied under rule 73
for the removal of my name from the
Register hereby bind myself that:-

(i) I shall not apply for registration either in the Provinces of Bombay or in any other Province in the Dominion of India within a period of two years from the date on which my name would be removed.

(ii) In case I apply for reregistration after the expiry of the said period of two years, I will submit testimonials of two registered practitioners who know me to the effect that I have not committed any act during a period commencing from the year previous to the date of the removal of my name and ending on the date of the application for the re-registration of my name which may result under the act or rules thereunder in establishing some cause for the removal of my name from the Register or depriving of any qualification or license entitling me to be registered.

Dated the signed.

APPENDIX H.
(Rule 79.)

Declaration for re-entry of name in Register.

To the Board of Indian Systems of Medicine Bombay.

I (1) (1) Insert full name.

now holding the qualification (2) (2) Insert qualification if any.

and having the following permanent address viz.(3) (3) Insert permanent address.

do solemnly declare as follows:-

(i) In the year (4) (4) Insert date.

my name was duly registered in the Register in respect of qualification viz. (5) (5) Insert original qualification.

and at the date of the removal of my name, I was registered in respect of the same qualification and also in the respect of the following additional qualifications viz. (6). (6) To be added if necessary.

(ii) My name was removed from the Register on (7) (7) Insert Date.

as no answer was received by the Registrar to a letter written by him under section 15 of the Act within six months of its despatch, for the reason (8) (8) fill the blank according to circumstances.

(iii) since the removal of my name from the Register I have been residing at (9) (9) & (10) fill the blanks according to circumstances.

and my occupation has been (10)

(iv) The grounds of application are (11) (11) All facts and grounds for the application shouldbe clearly and concisely stated.

APPENDIX I.
(Rule 79)

CERTIPICATE OF INDENTITY.

I hereby certify that the applicant

Mr.(1)

As known to me personally for the last (2)

and he is the sameperson whose name formerly stood in the Register with the following address and qualific tion (3)

I know he is practising at present at the Following address(4)

(1) Insert name of applicant in full.

(2) Insert period of acquaitance.

(3) Insert address and qualification entered in the Register against the applicant's name.

(4) Insert the applicant's present address.

Signed.

Registered Medical Practitioner
Registration Certificate No.

(or Justice of the Peace)

(Or Magistrate)

(or Officer holding commission in His Majesty's Defence Forces)-

By order of the Governor of Bombay,

(C. G. DESAI)

Deputy Secretary to Government.

E.K.N. 4/6/56

4C.

Legal Department.

A revised draft of rules 117 to 123 including the new proposed amendments is sent herewith.

2. In place of the Appendices F to I at pages 205-208 ante, proposed to be intended after Appendice E to the rules, the revised Appendices aresent herewith.

3. Unlike rule 79, rule 78 of the Bombay Medical Practitioners' Rules, 1939, does not provide that a declaration must be made before a justice of a peace. The words "declared at on b fore me" "Justice of the Peace" have therefore been delted from Form.F.

Sd/ J.R.D.
Additional Secretary to Government.

U.H. to H. & L.D.D. 10298 Dated the 12th September 1949.

S.K.S. 4/6/56

-40.

Legal Department.

As the proposal is torecognize the Indian Psycho-Analytical Society, Calcutta, for the purpo of giving training in Psycho-analysis with a view to enable a holder of certificate to practise therapeutic-analysis and to recognize its diploma or certificate, the proper course is to issue a notification under section 36(e) of the Act.

A requisite notification is sent herewith.

Sd/ J.R.D.

Additional Secretary to Government.

U.O. to H.& L.G.D.No.13580, dated the 26th November 1949

E.H.N.4/6/56

4C-

NOTIFICATION.

Health and Local Government Department,

Bombay Castle, November 1949.

Bombay Medical Practitioners' Act,1938.

No. .- In exercise of the powers conferred by section 36 of the Bombay Medical Practitioners' Act,1938, (Bom.XXVI of 1938), the Government of Bombay is pleased to direct that the provisions of sections 32 and 34 of the said Act shall not apply to any person who has undergone a course of training in psycho-analysis at the Institute of the Indian ~~Psycho-analysis at the Institute of the Indian~~ Psycho-analytical Society, Calcutta, for the period and in the manner provided in the rules of the Institute and who has been granted a certificate by the said Society: Provided that such Society continues to be affliat d to the International Psycho-Analytical Association.

Provided further that if any such person does not possess a registerable medical qualification-

(i) he shall not take up any case unless such case has been declared by the competent medical authority of the Society as suitable for psycho-analysis; and

(ii) he shall confine his practice to psycho-analysis only.

By order of the Governor of Bombay,

Secretary to Government.

E.K.N.4/6/56

4C.